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AMENDED IN ASSEMBLY APRIL 16, 2001  
AMENDED IN ASSEMBLY MARCH 26, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 577**

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**Introduced by Assembly ~~Member Cogdill~~ Members Cogdill,  
Ashburn, Cardoza, Cox, Diaz, Dickerson, La Suer, and Leach**  
(Coauthor: Senator Haynes)

February 21, 2001

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An act to amend Section 11379.7 of the Health and Safety Code, and to amend Sections ~~273a, 666.7, 667~~ 666.7, 11160, and 11165.2 of the Penal Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 577, as amended, Cogdill. Controlled substances: manufacture.

(1) Existing law provides that any person convicted of unlawfully manufacturing, or possessing specified precursors with the intent to manufacture, methamphetamine or phencyclidine, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age is present, shall be punished by an additional 2 years in the state prison.

This bill would also impose this penalty when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age ~~is known to reside~~ *resides*. By creating new enhancements, this bill would impose a state-mandated local program upon local governments.

~~(2) Existing law makes it a misdemeanor or a felony for any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered.~~

~~This bill would impose the same punishment on any person who unlawfully manufactures any controlled substance, or possesses specified precursors with the intent to manufacture methamphetamine or phenylelidine, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age is present or is known to reside. The bill would make related changes. By creating new crimes this bill would impose a state-mandated local program upon local government.~~

~~(3) Existing law, enacted by initiative and able to be amended by the Legislature only by means of a  $\frac{2}{3}$  vote, provides that any person convicted of a serious felony who previously has been convicted of a serious felony in this state or of any offense committed in another jurisdiction which includes all of the elements of any serious felony, shall receive, in addition to the sentence imposed by the court for the present offense, a 5-year enhancement for each such prior conviction on charges brought and tried separately. Existing law provides that this enhancement shall not apply to a person convicted of selling, furnishing, administering, or giving, or offering to sell, furnish, administer, or give to a minor any methamphetamine-related drug or any precursors of methamphetamine unless the prior conviction was for a serious felony, as specified.~~

~~This bill would delete the above exception and thus would impose a state-mandated local program upon local governments by creating new enhancements for a specified group of offenders.~~

~~(4) Existing law requires the reporting of any person suffering from any wound or other physical injury inflicted upon the person if the injury is the result of assaultive or abusive conduct. A violation of this reporting provision is a misdemeanor.~~

~~This bill would provide that for the purposes of this reporting provision “physical injury” includes, but is not limited to, the detection of amphetamine, methamphetamine, lysergic acid diethylamide, phencyclidine, or any metabolite of these controlled substances, in the~~



saliva, urine, or blood of any child under 12 years of age. By revising the definition of an existing crime, this bill would impose a state-mandated local program upon local governments.

(3) Existing law requires the reporting of a child known or reasonably suspected to be a victim of child abuse or neglect. Existing law requires the Department of Justice to maintain an index of all reports of child abuse and severe neglect, as defined.

This bill would include within the definition of “severe neglect” the rearing of a child in a home where the illegal manufacturing or attempted manufacturing of controlled substances is occurring.

~~(5) This bill would also set forth legislative findings, declarations, and intent with respect to the need for legislation effectively dealing with the problems resulting from the illegal manufacture of methamphetamine or methamphetamine-related substances, as well as the problems resulting from the illegal manufacture of any controlled substance in a structure where a child is known to reside.~~

~~(6)~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1    ~~SECTION 1. (a) The Legislature makes the following~~  
2    ~~findings and declarations:~~

3    ~~(1) In the year 2000, a total of more than 2,000 laboratories~~  
4    ~~manufacturing methamphetamine, or methamphetamine-related~~  
5    ~~substances, were discovered in California.~~

6    ~~(2) Eighty percent of all the methamphetamine manufactured~~  
7    ~~in the United States is manufactured in California.~~

8    ~~(3) In the Central Valley of California, social workers estimate~~  
9    ~~that 90 percent of the 20,000 cases in which a child is removed~~  
10    ~~from a parent and placed in foster care is due to a~~  
11    ~~methamphetamine-related offense by the parent, and in the~~

majority of cases involving a drug-related death of a child, the drug involved is methamphetamine.

~~(4) Thousands of gallons of toxic waste from labs manufacturing methamphetamine or methamphetamine-related substances are dumped into California's rivers and irrigation canals and on to some of the nation's richest farmland in California, and California taxpayers spend ten million dollars (\$10,000,000) a year on efforts to clean up this toxic waste.~~

~~(5) Of the 2,300 inmates in state prisons for manufacturing controlled substances, most are incarcerated for manufacturing methamphetamine or methamphetamine-related substances and the costs to the taxpayers of this state include not only the cost of incarceration of the inmates, at more than twenty-one thousand dollars (\$21,000) per inmate per year, for a total cost of forty-nine million seven hundred thousand dollars (\$49,700,000) per year, but also the cost of enforcing the provisions prohibiting the manufacture of these controlled substances by the Bureau of Narcotic Enforcement and the Department of Justice, for a total cost of seventy-seven million nine hundred thousand dollars (\$77,900,000) as provided in last year's budget.~~

~~(b) It is the intent of the Legislature to enact legislation that will effectively deal with the problems outlined in subdivision (a) resulting from the illegal manufacture of methamphetamine or methamphetamine-related substances, as well as the problems resulting from the illegal manufacture of any controlled substance in a structure where a child is known to reside.~~

~~SEC. 2.~~

*SECTION 1.* Section 11379.7 of the Health and Safety Code is amended to read:

11379.7. (a) Except as provided in subdivision (b), any person convicted of a violation of subdivision (a) of Section 11379.6 or Section 11383, or of an attempt to violate subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age is present or ~~is known to reside~~ *resides*, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of two years in the state prison.

(b) Any person convicted of a violation of subdivision (a) of Section 11379.6 or Section 11383, or of an attempt to violate subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, where the commission of the crime causes any child under 16 years of age to suffer great bodily injury, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of five years in the state prison.

(c) As used in this section, “structure” means any house, apartment building, shop, warehouse, barn, building, vessel, railroad car, cargo container, motor vehicle, housecar, trailer, trailer coach, camper, mine, floating home, or other enclosed structure capable of holding a child and manufacturing equipment.

(d) As used in this section, “great bodily injury” has the same meaning as defined in Section 12022.7 of the Penal Code.

~~SEC. 3. Section 273a of the Penal Code is amended to read:~~

~~273a. (a) (1) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years.~~

~~(2) Any person who violates Section 11379.6 or 11383 of the Health and Safety Code, or who attempts to violate Section 11379.6 or 11383 of the Health and Safety Code, with respect to any controlled substance or precursor specified in either of those sections, and the commission or attempted commission of the crime occurs in a structure, as defined in Section 11379.7 of the Health and Safety Code, where any child under 16 years of age is present or is known to reside shall be punished by imprisonment in a county jail not exceeding one year, or in a state prison for two, four, or six years.~~

~~(b) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon~~

1 ~~unjustifiable physical pain or mental suffering, or having the care~~  
2 ~~or custody of any child, willfully causes or permits the person or~~  
3 ~~health of that child to be injured, or willfully causes or permits that~~  
4 ~~child to be placed in a situation where his or her person or health~~  
5 ~~may be endangered, is guilty of a misdemeanor.~~

6 ~~(c) If a person is convicted of violating this section and~~  
7 ~~probation is granted, the court shall require the following~~  
8 ~~minimum conditions of probation:~~

9 ~~(1) A mandatory minimum period of probation of 48 months.~~

10 ~~(2) A criminal court protective order protecting the victim from~~  
11 ~~further acts of violence or threats, and, if appropriate, residence~~  
12 ~~exclusion or stay-away conditions.~~

13 ~~(3) (A) Successful completion of no less than one year of a~~  
14 ~~child abuser's treatment counseling program approved by the~~  
15 ~~probation department. The defendant shall be ordered to begin~~  
16 ~~participation in the program immediately upon the grant of~~  
17 ~~probation. The counseling program shall meet the criteria~~  
18 ~~specified in Section 273.1. The defendant shall produce~~  
19 ~~documentation of program enrollment to the court within 30 days~~  
20 ~~of enrollment, along with quarterly progress reports.~~

21 ~~(B) The terms of probation for offenders shall not be lifted until~~  
22 ~~all reasonable fees due to the counseling program have been paid~~  
23 ~~in full, but in no case shall probation be extended beyond the term~~  
24 ~~provided in subdivision (a) of Section 1203.1. If the court finds~~  
25 ~~that the defendant does not have the ability to pay the fees based~~  
26 ~~on the defendant's changed circumstances, the court may reduce~~  
27 ~~or waive the fees.~~

28 ~~(4) If the offense was committed while the defendant was under~~  
29 ~~the influence of drugs or alcohol, the defendant shall abstain from~~  
30 ~~the use of drugs or alcohol during the period of probation and shall~~  
31 ~~be subject to random drug testing by his or her probation officer.~~

32 ~~(5) The court may waive any of the above minimum conditions~~  
33 ~~of probation upon a finding that the condition would not be in the~~  
34 ~~best interests of justice. The court shall state on the record its~~  
35 ~~reasons for any waiver.~~

36 ~~(d) For the purposes of this section, the detection of~~  
37 ~~amphetamine, methamphetamine, lysergic acid diethylamide,~~  
38 ~~phenylidine, or any metabolite of those controlled substances,~~  
39 ~~in the saliva, urine, or blood of any child under 12 years of age~~  
40 ~~within 48 hours after removal of the child from an illegal or~~

~~1 clandestine drug laboratory determined to have produced or  
2 attempted to produce amphetamine, methamphetamine, lysergie  
3 acid diethylamide, or phenethylidine, shall constitute proof of great  
4 bodily harm or injury of the child unless the detection is for a  
5 therapeutic dosage of a drug validly prescribed for the child.~~

~~6 SEC. 4.~~

7 SEC. 2. Section 666.7 of the Penal Code is amended to read:

8 666.7. It is the intent of the Legislature that this section serve  
9 merely as a nonsubstantive comparative reference of current  
10 sentence enhancement provisions. Nothing in this section shall  
11 have any substantive effect on the application of any sentence  
12 enhancement contained in any provision of law, including, but not  
13 limited to, all of the following: omission of any sentence  
14 enhancement provision, inclusion of any obsolete sentence  
15 enhancement provision, or inaccurate reference or summary of a  
16 sentence enhancement provision.

17 It is the intent of the Legislature to amend this section as  
18 necessary to accurately reflect current sentence enhancement  
19 provisions, including the addition of new provisions and the  
20 deletion of obsolete provisions.

21 For the purposes of this section, the term “sentence  
22 enhancement” means an additional term of imprisonment in the  
23 state prison added to the base term for the underlying offense. A  
24 sentence enhancement is imposed because of the nature of the  
25 offense at the time the offense was committed or because the  
26 defendant suffered a qualifying prior conviction before  
27 committing the current offense.

28 (a) The provisions listed in this subdivision imposing a  
29 sentence enhancement of one year imprisonment in the state prison  
30 may be referenced as Schedule A.

31 (1) Money laundering when the value of transactions exceeds  
32 fifty thousand dollars (\$50,000), but is less than one hundred fifty  
33 thousand dollars (\$150,000) (subpara. (A), para. (1), subd. (c),  
34 Sec. 186.10, Pen. C.).

35 (2) Commission of two or more related felonies, a material  
36 element of which is fraud or embezzlement, which involve a  
37 pattern of related felony conduct, involving the taking of more  
38 than one hundred thousand dollars (\$100,000) (para. (3), subd. (a),  
39 Sec. 186.11, Pen. C.).



- 1 (3) Felony conviction of willful harm or injury to a child,  
2 involving female genital mutilation (Sec. 273.4, Pen. C.).
- 3 (4) Prior conviction of felony hate crime with a current  
4 conviction of felony hate crime (subd. (e), Sec. 422.75, Pen. C.).
- 5 (5) Harming, obstructing, or interfering with any horse or dog  
6 being used by any peace officer in the discharge or attempted  
7 discharge of his or her duties and, with the intent to so harm,  
8 obstruct, or interfere, personally causing the death, destruction, or  
9 serious physical injury of any horse or dog (subd. (c), Sec. 600,  
10 Pen. C.).
- 11 (6) Prior prison term with current felony conviction (subd. (b),  
12 Sec. 667.5, Pen. C.).
- 13 (7) Commission of any specified offense against a person who  
14 is 65 years of age or older, blind, a paraplegic or quadriplegic, or  
15 under 14 years of age (subd. (a), Sec. 667.9, Pen. C.).
- 16 (8) Showing child pornography to a minor prior to or during the  
17 commission or attempted commission of any lewd or lascivious  
18 act with the minor (subd. (a), Sec. 667.15, Pen. C.).
- 19 (9) Felony conviction of forgery, grand theft, or false pretenses  
20 as part of plan or scheme to defraud an owner in connection with  
21 repairs to a structure damaged by a natural disaster (Sec. 667.16,  
22 Pen. C.).
- 23 (10) Impersonating a peace officer during the commission of a  
24 felony (Sec. 667.17, Pen. C.).
- 25 (11) Felony conviction of any specified offense, including, but  
26 not limited to, forgery, grand theft, and false pretenses, as part of  
27 plan or scheme to defraud an owner in connection with repairs to  
28 a structure damaged by natural disaster with prior felony  
29 conviction of any of those offenses (Sec. 670, Pen. C.).
- 30 (12) Commission or attempted commission of a felony while  
31 armed with a firearm (para. (1), subd. (a), Sec. 12022, Pen. C.).
- 32 (13) Personally using a deadly or dangerous weapon in the  
33 commission or attempted commission of a felony (para. (1), subd.  
34 (b), Sec. 12022, Pen. C.).
- 35 (14) Taking, damaging, or destroying any property in the  
36 commission or attempted commission of a felony with the intent  
37 to cause that taking, damage, or destruction when the loss exceeds  
38 fifty thousand dollars (\$50,000) (para. (1), subd. (a), Sec. 12022.6,  
39 Pen. C.).





1 (15) Transferring, lending, selling, or giving any assault  
2 weapon to a minor (para. (2), subd. (a), Sec. 12280, Pen. C.).

3 (16) Manufacturing, causing to be manufactured, distributing,  
4 transporting, importing, keeping for sale, offering or exposing for  
5 sale, giving, or lending any assault weapon while committing  
6 another crime (subd. (c), Sec. 12280, Pen. C.).

7 (17) Inducing, employing, or using a minor to commit a drug  
8 offense involving heroin, cocaine, or cocaine base, or unlawfully  
9 furnishing one of these controlled substances to a minor, upon the  
10 grounds of, or within, a church, playground, youth center, child  
11 day care facility, or public swimming pool during business hours  
12 or whenever minors are using the facility (para. (1), subd. (a), Sec.  
13 11353.1, H.& S.C.).

14 (18) Inducing another person to commit a drug offense as part  
15 of the drug transaction for which the defendant is convicted when  
16 the value of the controlled substance involved exceeds five  
17 hundred thousand dollars (\$500,000) (para. (1), subd. (a), Sec.  
18 11356.5, H.& S.C.).

19 (19) Manufacturing, compounding, converting, producing,  
20 deriving, processing, or preparing methamphetamine or  
21 phencyclidine (PCP), or attempting to commit any of those acts,  
22 or possessing specified combinations of substances with the intent  
23 to manufacture either methamphetamine or phencyclidine (PCP),  
24 when the commission or attempted commission of the offense  
25 causes the death or great bodily injury of another person other than  
26 an accomplice (Sec. 11379.9, H.& S.C.).

27 (20) Using a minor to commit a drug offense involving  
28 phencyclidine (PCP), methamphetamine, or lysergic acid  
29 diethylamide (LSD), or unlawfully furnishing one of these  
30 controlled substances to a minor, when the commission of the  
31 offense occurs upon the grounds of, or within, a church,  
32 playground, youth center, child day care facility, or public  
33 swimming pool during business hours or whenever minors are  
34 using the facility (para. (1), subd. (a), Sec. 11380.1, H.& S.C.).

35 (21) Possessing for sale, or selling, heroin, cocaine, cocaine  
36 base, methamphetamine, or phencyclidine (PCP), when the  
37 commission of the offense occurs upon the grounds of a public  
38 park, public library, or oceanfront beach (para. (1), subd. (a), Sec.  
39 11380.5, H.& S.C.).

1 (22) Causing bodily injury or death to more than one victim in  
2 any one instance of driving under the influence of any alcoholic  
3 beverage or drug (Sec. 23558, Veh. C.).

4 (23) Fraudulently appropriating food stamps, electronically  
5 transferred benefits, or authorizations to participate in the federal  
6 Food Stamp Program entrusted to a public employee, or  
7 knowingly using, transferring, selling, purchasing, or possessing,  
8 any of the same in an unauthorized manner, when the offense is  
9 committed by means of an electronic transfer of benefits in an  
10 amount exceeding fifty thousand dollars (\$50,000), but less than  
11 one hundred fifty thousand dollars (\$150,000) (subpara. (A), para.  
12 (1), subd. (h), Sec. 10980, W.& I.C.).

13 (b) The provisions listed in this subdivision imposing a  
14 sentence enhancement of one, two, or three years' imprisonment  
15 in the state prison may be referenced as Schedule B.

16 (1) Commission of a felony for the benefit of, at the direction  
17 of, or in association with any criminal street gang, with the specific  
18 intent to promote, further, or assist in any criminal conduct by gang  
19 members (para. (1), subd. (b), Sec. 186.22, Pen. C.).

20 (2) Commission or attempted commission of a felony hate  
21 crime (subd. (a), Sec. 422.75, Pen. C.).

22 (3) Commission or attempted commission of a felony against  
23 the property of a public or private institution because the property  
24 is associated with a person or group of identifiable race, color,  
25 religion, nationality, country of origin, ancestry, gender, disability,  
26 or sexual orientation (subd. (b), Sec. 422.75, Pen. C.).

27 (4) Felony conviction of unlawfully causing a fire of any  
28 structure, forest land, or property when the defendant has been  
29 previously convicted of arson or unlawfully causing a fire, or when  
30 a firefighter, peace officer, or emergency personnel suffered great  
31 bodily injury, or when the defendant proximately caused great  
32 bodily injury to more than one victim, or caused multiple  
33 structures to burn (Sec. 452.1, Pen. C.).

34 (5) Carrying a loaded or unloaded firearm during the  
35 commission or attempted commission of any felony street gang  
36 crime (subd. (a), Sec. 12021.5, Pen. C.).

37 (6) Personally using a deadly or dangerous weapon in the  
38 commission of carjacking or attempted carjacking (para. (2), subd.  
39 (b), Sec. 12022, Pen. C.).



1 (7) Being a principal in the commission or attempted  
2 commission of any specified drug offense, knowing that another  
3 principal is personally armed with a firearm (subd. (d), Sec. 12022,  
4 Pen. C.).

5 (8) Furnishing or offering to furnish a firearm to another for the  
6 purpose of aiding, abetting, or enabling that person or any other  
7 person to commit a felony (Sec. 12022.4, Pen. C.).

8 (9) Selling, supplying, delivering, or giving possession or  
9 control of a firearm to any person within a prohibited class or to  
10 a minor when the firearm is used in the subsequent commission of  
11 a felony (para. (4), subd. (g), Sec. 12072, Pen. C.).

12 (10) Inducing, employing, or using a minor who is at least four  
13 years younger than the defendant to commit a drug offense  
14 involving any specified controlled substance, including, but not  
15 limited to, heroin, cocaine, and cocaine base, or unlawfully  
16 providing one of these controlled substances to a minor (para. (3),  
17 subd. (a), Sec. 11353.1, H.& S.C.).

18 (11) Prior conviction of inducing, employing, or using a minor  
19 to commit a drug offense involving cocaine base, or unlawfully  
20 providing cocaine base to a minor that resulted in a prison sentence  
21 with a current conviction of the same offense (subd. (a), Sec.  
22 11353.4, H.& S.C.).

23 (12) Prior conviction of inducing, employing, or using a minor  
24 to commit a drug offense involving cocaine base, or unlawfully  
25 providing cocaine base to a minor with a current conviction of the  
26 same offense involving a minor who is 14 years of age or younger  
27 (subd. (b), Sec. 11353.4, H.& S.C.).

28 (13) Inducing, employing, or using a minor who is at least four  
29 years younger than the defendant to commit a drug offense  
30 involving any specified controlled substance, including, but not  
31 limited to, phencyclidine (PCP), methamphetamine, and lysergic  
32 acid diethylamide (LSD), or unlawfully providing one of these  
33 controlled substances to a minor (para. (3), subd. (a), Sec. 11380.1,  
34 H.& S.C.).

35 (14) Causing great bodily injury or a substantial probability  
36 that death could result by the knowing disposal, transport,  
37 treatment, storage, burning, or incineration of any hazardous  
38 waste at a facility without permits or at an unauthorized point  
39 (subd. (e), Sec. 25189.5, and subd. (c), Sec. 25189.7, H.& S.C.).

(c) The provisions listed in this subdivision imposing a sentence enhancement of one, two, or five years' imprisonment in the state prison may be referenced as Schedule C.

(1) Wearing a bullet-resistant body vest in the commission or attempted commission of a violent offense (subd. (b), Sec. 12022.2, Pen. C.).

(2) Commission or attempted commission of any specified sex offense while armed with a firearm or deadly weapon (subd. (b), Sec. 12022.3, Pen. C.).

(d) The provisions listed in this subdivision imposing a sentence enhancement of two years' imprisonment in the state prison may be referenced as Schedule D.

(1) Money laundering when the value of the transactions exceeds one hundred fifty thousand dollars (\$150,000), but is less than one million dollars (\$1,000,000) (subpara. (B), para. (1), subd. (c), Sec. 186.10, Pen. C.).

(2) Commission of two or more related felonies, a material element of which is fraud or embezzlement, which involve a pattern of related felony conduct, involving the taking of more than one hundred fifty thousand dollars (\$150,000) (para. (3), subd. (a), Sec. 186.11, Pen. C.).

(3) Conviction of any specified felony sex offense that is committed after fleeing to this state under specified circumstances (subd. (d), Sec. 289.5, Pen. C.).

(4) Prior conviction of any specified insurance fraud offense with current conviction of willfully injuring, destroying, secreting, abandoning, or disposing of any property insured against loss or damage by theft, embezzlement, or any casualty with the intent to defraud or prejudice the insurer (subd. (b), Sec. 548, Pen. C.).

(5) Prior conviction of any specified insurance fraud offense with current conviction of knowingly presenting any false or fraudulent insurance claim or multiple claims for the same loss or injury, or knowingly causing or participating in a vehicular collision for the purpose of presenting any false or fraudulent claim, or providing false or misleading information or concealing information for purpose of insurance fraud (subd. (e), Sec. 550, Pen. C.).

(6) Causing serious bodily injury as a result of knowingly causing or participating in a vehicular collision or accident for the

1 purpose of presenting any false or fraudulent claim (subd. (g), Sec.  
2 550, Pen. C.).

3 (7) Harming, obstructing, or interfering with any horse or dog  
4 being used by any peace officer in the discharge or attempted  
5 discharge of his or her duties and, with the intent to cause great  
6 bodily injury, personally causing great bodily injury to any person  
7 other than an accomplice (subd. (d), Sec. 600, Pen. C.).

8 (8) Prior conviction of any specified offense with current  
9 conviction of any of those offenses committed against a person  
10 who is 65 years of age or older, blind, a paraplegic or quadriplegic,  
11 or under 14 years of age (subd. (b), Sec. 667.9, Pen. C.).

12 (9) Prior conviction for penetration of genital or anal openings  
13 by foreign or unknown object with current conviction of the same  
14 offense committed against a person who is 65 years of age or older,  
15 blind, deaf, developmentally disabled, a paraplegic or  
16 quadriplegic, or under 14 years of age (subd. (a), Sec. 667.10, Pen.  
17 C.).

18 (10) Showing child pornography to minor prior to or during the  
19 commission or attempted commission of continuous sexual abuse  
20 of the minor (subd. (b), Sec. 667.15, Pen. C.).

21 (11) Primary care provider in a day care facility committing  
22 any specified felony sex offense against a minor entrusted to his  
23 or her care (subd. (a), Sec. 674, Pen. C.).

24 (12) Commission of a felony offense while released from  
25 custody on bail or own recognizance (subd. (b), Sec. 12022.1, Pen.  
26 C.).

27 (13) Taking, damaging, or destroying any property in the  
28 commission or attempted commission of a felony with the intent  
29 to cause that taking, damage, or destruction when the loss exceeds  
30 one hundred fifty thousand dollars (\$150,000) (para. (2), subd. (a),  
31 Sec. 12022.6, Pen. C.).

32 (14) Inducing, employing, or using a minor to commit a drug  
33 offense involving heroin, cocaine, or cocaine base, or unlawfully  
34 furnishing one of these controlled substances to a minor, upon, or  
35 within 1,000 feet of, the grounds of a school during school hours  
36 or whenever minors are using the facility (para. (2), subd. (a), Sec.  
37 11353.1, H.& S.C.).

38 (15) Inducing another person to commit a drug offense as part  
39 of the drug transaction for which the defendant is convicted when

1 the value of the controlled substance involved exceeds two million  
2 dollars (\$2,000,000) (para. (2), subd. (a), Sec. 11356.5, H.& S.C.).

3 (16) Manufacturing, compounding, converting, producing,  
4 deriving, processing, or preparing methamphetamine or  
5 phencyclidine (PCP) in violation of Section 11379.6 of the Health  
6 and Safety Code, or attempting to commit any of those acts, or  
7 possessing specified combinations of substances with the intent to  
8 manufacture either methamphetamine or phencyclidine (PCP) in  
9 violation of Section 11383 of the Health and Safety Code, when  
10 the commission or attempted commission of the crime occurs in  
11 a structure where any child under 16 years of age is present or ~~is~~  
12 ~~known to reside~~ *resides* (subd. (a), Sec. 11379.7, H.& S.C.).

13 (17) Using a minor to commit a drug offense involving  
14 phencyclidine (PCP), methamphetamine, or lysergic acid  
15 diethylamide (LSD), or unlawfully furnishing one of these  
16 controlled substances to a minor, upon, or within 1,000 feet of, the  
17 grounds of a school during school hours or whenever minors are  
18 using the facility (para. (2), subd. (a), Sec. 11380.1, H.& S.C.).

19 (18) Prior felony conviction of any specified insurance fraud  
20 offense with a current conviction of making false or fraudulent  
21 statements concerning a workers' compensation claim (subd. (c),  
22 Sec. 1871.4, Ins. C.).

23 (19) Prior felony conviction of making or causing to be made  
24 any knowingly false or fraudulent statement of any fact material  
25 to the determination of the premium, rate, or cost of any policy of  
26 workers' compensation insurance for the purpose of reducing the  
27 premium, rate, or cost of the insurance with a current conviction  
28 of the same offense (subd. (b), Sec. 11760, Ins. C.).

29 (20) Prior felony conviction of making or causing to be made  
30 any knowingly false or fraudulent statement of any fact material  
31 to the determination of the premium, rate, or cost of any policy of  
32 workers' compensation insurance issued or administered by the  
33 State Compensation Insurance Fund for the purpose of reducing  
34 the premium, rate, or cost of the insurance with a current  
35 conviction of the same offense (subd. (b), Sec. 11880, Ins. C.).

36 (21) Fraudulently appropriating food stamps, electronically  
37 transferred benefits, or authorizations to participate in the federal  
38 Food Stamp Program entrusted to a public employee, or  
39 knowingly using, transferring, selling, purchasing, or possessing,  
40 any of the same in an unauthorized manner, when the offense is



1 committed by means of an electronic transfer of benefits in an  
2 amount exceeding one hundred fifty thousand dollars (\$150,000),  
3 but less than one million dollars (\$1,000,000) (subpara. (B), para.  
4 (1), subd. (h), Sec. 10980, W.& I.C.).

5 (e) The provisions listed in this subdivision imposing a  
6 sentence enhancement of two, three, or four years' imprisonment  
7 in the state prison may be referenced as Schedule E.

8 (1) Commission of a felony for the benefit of, at the direction  
9 of, or in association with any criminal street gang, with the specific  
10 intent to promote, further, or assist in any criminal conduct by gang  
11 members, and on the grounds of, or within 1,000 feet of, a school  
12 during school hours or when minors are using the facility (para.  
13 (2), subd. (b), Sec. 186.22, Pen. C.).

14 (2) Acting in concert with another person or aiding or abetting  
15 another person in committing or attempting to commit a felony  
16 hate crime (subd. (c), Sec. 422.75, Pen. C.).

17 (3) Carrying a loaded or unloaded firearm together with a  
18 detachable shotgun magazine, a detachable pistol magazine, a  
19 detachable magazine, or a belt-feeding device during the  
20 commission or attempted commission of any felony street gang  
21 crime (subd. (b), Sec. 12021.5, Pen. C.).

22 (f) The provisions listed in this subdivision imposing a  
23 sentence enhancement of two, three, or five years' imprisonment  
24 in the state prison may be referenced as Schedule F.

25 (1) Commission of two or more related felonies, a material  
26 element of which is fraud or embezzlement, which involve a  
27 pattern of related felony conduct, involving the taking of more  
28 than five hundred thousand dollars (\$500,000) (para. (2), subd.  
29 (a), Sec. 186.11, Pen. C.).

30 (g) The provisions listed in this subdivision imposing a  
31 sentence enhancement of three years' imprisonment in the state  
32 prison may be referenced as Schedule G.

33 (1) Money laundering when the value of transactions exceeds  
34 one million dollars (\$1,000,000), but is less than two million five  
35 hundred thousand dollars (\$2,500,000) (subpara. (C), para. (1),  
36 subd. (c), Sec. 186.10, Pen. C.).

37 (2) Commission of a felony for the benefit of, at the direction  
38 of, or in association with any criminal street gang, with the specific  
39 intent to promote, further, or assist in any criminal conduct by gang  
40 members, if also convicted of a felony violation of witness or



1 victim intimidation involving a credible threat of violence or death  
2 made to the witness or victim of a violent felony for the purpose  
3 of preventing or dissuading the witness or victim from attending  
4 or giving testimony at any trial for a violent felony (para. (5), subd.  
5 (b), Sec. 186.22, Pen. C.).

6 (3) Willfully mingling any poison or harmful substance which  
7 may cause death if ingested, or which causes the infliction of great  
8 bodily injury on any person, with any food, drink, medicine, or  
9 pharmaceutical product or willfully placing such poison or  
10 harmful substance in any spring, well, reservoir, or public water  
11 supply (subd. (a), Sec. 347, Pen. C.).

12 (4) Causing great bodily injury by willfully causing or  
13 permitting any elder or dependent adult to suffer, or inflicting pain  
14 or mental suffering upon, or endangering the health of, an elder or  
15 dependent adult when the victim is under 70 years of age (subpara.  
16 (A), para. (2), subd. (b), Sec. 368, Pen. C.).

17 (5) Maliciously driving or placing, in any tree, saw-log,  
18 shingle-bolt, or other wood, any iron, steel, ceramic, or other  
19 substance sufficiently hard to injure saws and causing bodily  
20 injury to another person other than an accomplice (subd. (b), Sec.  
21 593a, Pen. C.).

22 (6) Prior prison term for violent felony with current violent  
23 felony conviction (subd. (a), Sec. 667.5, Pen. C.).

24 (7) Commission of any specified felony sex offense by a  
25 primary care provider in a day care facility against a minor  
26 entrusted to his or her care while voluntarily acting in concert with  
27 another (subd. (b), Sec. 674, Pen. C.).

28 (8) Commission or attempted commission of a felony while  
29 armed with an assault weapon or a machinegun (para. (2), subd.  
30 (a), Sec. 12022, Pen. C.).

31 (9) Taking, damaging, or destroying any property in the  
32 commission or attempted commission of a felony with the intent  
33 to cause that taking, damage, or destruction when the loss exceeds  
34 one million dollars (\$1,000,000) (para. (3), subd. (a), Sec.  
35 12022.6, Pen. C.).

36 (10) Personally inflicting great bodily injury on any person  
37 other than an accomplice in the commission or attempted  
38 commission of a felony (subd. (a), Sec. 12022.7, Pen. C.).

39 (11) Administering by injection, inhalation, ingestion, or any  
40 other means, any specified controlled substance against the



1 victim's will by means of force, violence, or fear of immediate and  
2 unlawful bodily injury to the victim or another person for the  
3 purpose of committing a felony (Sec. 12022.75, Pen. C.).

4 (12) Commission of any specified sex offense with knowledge  
5 that the defendant has acquired immune deficiency syndrome  
6 (AIDS) or with the knowledge that he or she carries antibodies of  
7 the human immunodeficiency virus at the time of the commission  
8 of the offense (Sec. 12022.85, Pen. C.).

9 (13) Inducing another person to commit a drug offense as part  
10 of the drug transaction for which the defendant is convicted when  
11 the value of the controlled substance involved exceeds five million  
12 dollars (\$5,000,000) (para. (3), subd. (a), Sec. 11356.5, H.& S.C.).

13 (14) Prior conviction of any specified drug offense with current  
14 conviction of any specified drug offense (subds. (a), (b), and (c),  
15 Sec. 11370.2, H.& S.C.).

16 (15) Commission of any specified drug offense involving a  
17 substance containing heroin, cocaine base, cocaine,  
18 methamphetamine, amphetamine, or phencyclidine (PCP), when  
19 the substance exceeds one kilogram or 30 liters (para. (1), subd.  
20 (a), and para. (1), subd. (b), Sec. 11370.4, H.& S.C.).

21 (16) Manufacturing, compounding, converting, producing,  
22 deriving, processing, or preparing any substance containing  
23 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
24 analogs or precursors, or attempting to commit any of those acts,  
25 when the substance exceeds three gallons or one pound (para. (1),  
26 subd. (a), Sec. 11379.8, H.& S.C.).

27 (17) Four or more prior convictions of specified  
28 alcohol-related vehicle offenses with current conviction of driving  
29 under the influence and causing great bodily injury (subd. (c), Sec.  
30 23190, Veh. C.).

31 (18) Fraudulently appropriating food stamps, electronically  
32 transferred benefits, or authorizations to participate in the federal  
33 Food Stamp Program entrusted to a public employee, or  
34 knowingly using, transferring, selling, purchasing, or possessing,  
35 any of the same in an unauthorized manner, when the offense is  
36 committed by means of an electronic transfer of benefits in an  
37 amount exceeding one million dollars (\$1,000,000), but less than  
38 two million five hundred thousand dollars (\$2,500,000) (subpara.  
39 (C), para. (1), subd. (h), Sec. 10980, W.& I.C.).

(h) The provisions listed in this subdivision imposing a sentence enhancement of three, four, or five years' imprisonment in the state prison may be referenced as Schedule H.

(1) Commission of felony arson with prior conviction of arson or unlawfully starting a fire, or causing great bodily injury to a firefighter, peace officer, other emergency personnel, or multiple victims, or causing the burning of multiple structures, or using an accelerator or ignition delay device (subd. (a), Sec. 451.1, Pen. C.).

(2) Commission or attempted commission of any specified drug offense while personally armed with a firearm (subd. (c), Sec. 12022, Pen. C.).

(3) Personally inflicting great bodily injury under circumstances involving domestic violence in the commission or attempted commission of a felony (subd. (d), Sec. 12022.7, Pen. C.).

(4) Commission of any specified drug offense involving cocaine base, heroin, or methamphetamine, or a conspiracy to commit any of those offenses, upon the grounds of, or within 1,000 feet of, a school during school hours or when minors are using the facility (subd. (b), Sec. 11353.6, H.& S.C.).

(5) Commission of any specified drug offense involving cocaine base, heroin, or methamphetamine, or a conspiracy to violate any of those offenses, involving a minor who is at least four years younger than the defendant (subd. (c), Sec. 11353.6, H.& S.C.).

(i) The provisions listed in this subdivision imposing a sentence enhancement of 3, 4, or 10 years' imprisonment in the state prison may be referenced as Schedule I.

(1) Commission or attempted commission of any felony while armed with a firearm and in the immediate possession of ammunition for the firearm designed primarily to penetrate metal or armor (subd. (a), Sec. 12022.2, Pen. C.).

(2) Commission or attempted commission of any specified sex offense while using a firearm or deadly weapon (subd. (a), Sec. 12022.3, Pen. C.).

(3) Commission or attempted commission of a felony while personally using a firearm (para. (1), subd. (a), Sec. 12022.5, Pen. C.).

1 (4) Commission or attempted commission of any specified  
2 drug offense while personally using a firearm (subd. (c), Sec.  
3 12022.5, Pen. C.).

4 (j) The provisions listed in this subdivision imposing a  
5 sentence enhancement of four years' imprisonment in the state  
6 prison may be referenced as Schedule J.

7 (1) Money laundering when the value of transactions exceeds  
8 two million five hundred thousand dollars (\$2,500,000) (subpara.  
9 (D), para. (1), subd. (c), Sec. 186.10, Pen. C.).

10 (2) Prior conviction of willfully inflicting upon a child any  
11 cruel or inhuman corporal punishment or injury resulting in a  
12 traumatic condition with current conviction of that offense (subd.  
13 (b), Sec. 273d, Pen. C.).

14 (3) Taking, damaging, or destroying any property in the  
15 commission or attempted commission of a felony with the intent  
16 to cause that taking, damage, or destruction when the loss exceeds  
17 two million five hundred thousand dollars (\$2,500,000) (para. (4),  
18 subd. (a), Sec. 12022.6, Pen. C.).

19 (4) Personally, willfully, and maliciously discharging a firearm  
20 from a motor vehicle at another person other than an occupant of  
21 a motor vehicle and causing a victim to suffer paralysis or  
22 paraparesis of a major body part (para. (1), subd. (b), Sec. 12022.9,  
23 Pen. C.).

24 (5) Personally, willfully, and maliciously discharging a firearm  
25 from a motor vehicle at another occupied motor vehicle and  
26 causing a victim to suffer paralysis or paraparesis of a major body  
27 part (para. (2), subd. (b), Sec. 12022.9, Pen. C.).

28 (6) Willfully causing or permitting any child to suffer, or  
29 inflicting on the child unjustifiable physical pain or injury that  
30 results in death under circumstances or conditions likely to  
31 produce great bodily harm or death, or, having the care or custody  
32 of any child, willfully causing or permitting that child to be injured  
33 or harmed under circumstances likely to produce great bodily  
34 harm or death, when that injury or harm results in death (Sec.  
35 12022.95, Pen. C.).

36 (7) Fraudulently appropriating food stamps, electronically  
37 transferred benefits, or authorizations to participate in the federal  
38 Food Stamp Program entrusted to a public employee, or  
39 knowingly using, transferring, selling, purchasing, or possessing,  
40 any of the same in an unauthorized manner, when the offense is

1 committed by means of an electronic transfer of benefits in an  
2 amount exceeding two million five hundred thousand dollars  
3 (\$2,500,000) (subpara. (D), para. (1), subd. (h), Sec. 10980, W.&  
4 I.C.).

5 (k) The provisions listed in this subdivision imposing a  
6 sentence enhancement of 4, 5, or 10 years' imprisonment in the  
7 state prison may be referenced as Schedule K.

8 (1) Commission or attempted commission of a felony while  
9 personally using a firearm with prior conviction of carjacking or  
10 attempted carjacking (para. (2), subd. (a), Sec. 12022.5, Pen. C.).

11 (l) The provisions listed in this subdivision imposing a  
12 sentence enhancement of five years' imprisonment in the state  
13 prison may be referenced as Schedule L.

14 (1) Using sex offender registration information to commit a  
15 felony (subd. (q), Sec. 290, and para. (1), subd. (b), Sec. 290.4,  
16 Pen. C.).

17 (2) Causing great bodily injury by willfully causing or  
18 permitting any elder or dependent adult to suffer, or inflicting pain  
19 or mental suffering upon, or endangering the health of, an elder or  
20 dependent adult when the victim is 70 years of age or older  
21 (subpara. (B), para. (2), subd. (b), Sec. 368, Pen. C.).

22 (3) Causing death by willfully causing or permitting any elder  
23 or dependent adult to suffer, or inflicting pain or mental suffering  
24 upon, or endangering the health of, an elder or dependent adult  
25 when the victim is under 70 years of age (subpara. (A), para. (3),  
26 subd. (b), Sec. 368, Pen. C.).

27 (4) Two prior felony convictions of knowingly causing or  
28 participating in a vehicular collision or accident for the purpose of  
29 presenting any false or fraudulent claim with current conviction of  
30 the same (subd. (f), Sec. 550, Pen. C.).

31 (5) Prior conviction of a serious felony with current conviction  
32 of a serious felony (para. (1), subd. (a), Sec. 667, Pen. C.).

33 (6) Prior conviction of any specified sex offense with current  
34 conviction of lewd and lascivious acts with a child under 14 years  
35 of age (subd. (a), Sec. 667.51, Pen. C.).

36 (7) Prior conviction of any specified sex offense with current  
37 conviction of any of those sex offenses (subd. (a), Sec. 667.6, Pen.  
38 C.).

1 (8) Kidnapping or carrying away any child under 14 years of  
2 age with the intent to permanently deprive the parent or legal  
3 guardian custody of that child (Sec. 667.85, Pen. C.).

4 (9) Personally inflicting great bodily injury on any person other  
5 than an accomplice in the commission or attempted commission  
6 of a felony that causes the victim to become comatose due to a  
7 brain injury or to suffer paralysis of a permanent nature (subd. (b),  
8 Sec. 12022.7, Pen. C.).

9 (10) Personally inflicting great bodily injury on another person  
10 who is 70 years of age or older other than an accomplice in the  
11 commission or attempted commission of a felony (subd. (c), Sec.  
12 12022.7, Pen. C.).

13 (11) Inflicting great bodily injury on any victim in the  
14 commission or attempted commission of any specified sex offense  
15 (Sec. 12022.8, Pen. C.).

16 (12) Personally and intentionally inflicting injury upon a  
17 pregnant woman during the commission or attempted commission  
18 of a felony that results in the termination of the pregnancy when  
19 the defendant knew or reasonably should have known that the  
20 victim was pregnant (subd. (a), Sec. 12022.9, Pen. C.).

21 (13) Using information disclosed to the licensee of a  
22 community care facility by a prospective client regarding his or her  
23 status as a sex offender to commit a felony (subd. (c), Sec. 1522.01,  
24 H.& S.C.).

25 (14) Commission of any specified drug offense involving a  
26 substance containing heroin, cocaine base, cocaine,  
27 methamphetamine, amphetamine, or phencyclidine (PCP), when  
28 the substance exceeds 4 kilograms or 100 liters (para. (2), subd.  
29 (a), and para. (2), subd. (b), Sec. 11370.4, H.& S.C.).

30 (15) Manufacturing, compounding, converting, producing,  
31 deriving, processing, or preparing methamphetamine or  
32 phencyclidine (PCP), or attempting to commit any of those acts,  
33 or possessing specified combinations of substances with the intent  
34 to manufacture either methamphetamine or phencyclidine (PCP),  
35 when the commission of the crime causes any child under 16 years  
36 of age to suffer great bodily injury (subd. (b), Sec. 11379.7, H.&  
37 S.C.).

38 (16) Manufacturing, compounding, converting, producing,  
39 deriving, processing, or preparing any substance containing  
40 amphetamine, methamphetamine, or phencyclidine (PCP) or its



1 analogs or precursors, or attempting to commit any of those acts,  
2 when the substance exceeds 10 gallons or three pounds (para. (2),  
3 subd. (a), Sec. 11379.8, H.& S.C.).

4 (17) Fleeing the scene of the crime after commission of  
5 vehicular manslaughter (subd. (c), Sec. 20001, Veh. C.).

6 (m) The provisions listed in this subdivision imposing a  
7 sentence enhancement of 5, 6, or 10 years' imprisonment in the  
8 state prison may be referenced as Schedule M.

9 (1) Discharging a firearm at an occupied motor vehicle in the  
10 commission or attempted commission of a felony which caused  
11 great bodily injury or death to another person (para. (1), subd. (b),  
12 Sec. 12022.5, Pen. C.).

13 (2) Commission or attempted commission of a felony while  
14 personally using an assault weapon or a machinegun (para. (2),  
15 subd. (b), Sec. 12022.5, Pen. C.).

16 (3) Discharging a firearm from a motor vehicle in the  
17 commission or attempted commission of a felony with the intent  
18 to inflict great bodily injury or death and causing great bodily  
19 injury or death (Sec. 12022.55, Pen. C.).

20 (n) The provisions listed in this subdivision imposing a  
21 sentence enhancement of seven years' imprisonment in the state  
22 prison may be referenced as Schedule N.

23 (1) Causing death by willfully causing or permitting any elder  
24 or dependent adult to suffer, or inflicting pain or mental suffering  
25 upon, or endangering the health of, an elder or dependent adult  
26 when the victim is 70 years of age or older (subpara. (B), para. (3),  
27 subd. (b), Sec. 368, Pen. C.).

28 (o) The provisions listed in this subdivision imposing a  
29 sentence enhancement of nine years' imprisonment in the state  
30 prison may be referenced as Schedule O.

31 (1) Kidnapping a victim for purpose of committing any  
32 specified felony sex offense (subd. (a), Sec. 667.8, Pen. C.).

33 (p) The provisions listed in this subdivision imposing a  
34 sentence enhancement of 10 years' imprisonment in the state  
35 prison may be referenced as Schedule P.

36 (1) Two or more prior prison terms for any specified sex  
37 offense with current conviction of any of those sex offenses (subd.  
38 (b), Sec. 667.6, Pen. C.).



(2) Commission or attempted commission of any specified felony offense while personally using a firearm (subd. (b), Sec. 12022.53, Pen. C.).

(3) Commission of any specified drug offense involving a substance containing heroin, cocaine base, cocaine, methamphetamine, amphetamine, or phencyclidine (PCP), when the substance exceeds 10 kilograms or 200 liters (para. (3), subd. (a), and para. (3), subd. (b), Sec. 11370.4, H.& S.C.).

(4) Manufacturing, compounding, converting, producing, deriving, processing, or preparing any substance containing amphetamine, methamphetamine, or phencyclidine (PCP) or its analogs or precursors, or attempting to commit any of those acts, when the substance exceeds 25 gallons or 10 pounds (para. (3), subd. (a), Sec. 11379.8, H.& S.C.).

(q) The provisions listed in this subdivision imposing a sentence enhancement of 15 years' imprisonment in the state prison may be referenced as Schedule Q.

(1) Kidnapping a victim under 14 years of age for purpose of committing any specified felony sex offense (subd. (b), Sec. 667.8, Pen. C.).

(2) Commission of any specified drug offense involving a substance containing heroin, cocaine base, cocaine, methamphetamine, amphetamine, or phencyclidine (PCP), when the substance exceeds 20 kilograms or 400 liters (para. (4), subd. (a), and para. (4), subd. (b), Sec. 11370.4, H.& S.C.).

(3) Manufacturing, compounding, converting, producing, deriving, processing, or preparing any substance containing amphetamine, methamphetamine, or phencyclidine (PCP) or its analogs or precursors, or attempting to commit any of those acts, when the substance exceeds 105 gallons or 44 pounds (para. (4), subd. (a), Sec. 11379.8, H.& S.C.).

(r) The provisions listed in this subdivision imposing a sentence enhancement of 20 years' imprisonment in the state prison may be referenced as Schedule R.

(1) Intentionally and personally discharging a firearm in the commission or attempted commission of any specified felony offense (subd. (c), Sec. 12022.53, Pen. C.).

(2) Commission of any specified drug offense involving a substance containing heroin, cocaine base, or cocaine, when the

1 substance exceeds 40 kilograms (para. (5), subd. (a), Sec. 11370.4,  
2 H.& S.C.).

3 (s) The provisions listed in this subdivision imposing a  
4 sentence enhancement of 25 years' imprisonment in the state  
5 prison may be referenced as Schedule S.

6 (1) Commission of any specified drug offense involving a  
7 substance containing heroin, cocaine base, or cocaine, when the  
8 substance exceeds 80 kilograms (para. (6), subd. (a), Sec. 11370.4,  
9 H.& S.C.).

10 (t) The provisions listed in this subdivision imposing a  
11 sentence enhancement of 25 years to life imprisonment in the state  
12 prison may be referenced as Schedule T.

13 (1) Intentionally and personally discharging a firearm in the  
14 commission or attempted commission of any specified felony  
15 offense and proximately causing great bodily injury to any person  
16 other than an accomplice (subd. (d), Sec. 12022.53, Pen. C.).

17 ~~SEC. 5.—Section 667 of the Penal Code is amended to read:~~

18 ~~667.—(a) (1) In compliance with subdivision (b) of Section~~  
19 ~~1385, any person convicted of a serious felony who previously has~~  
20 ~~been convicted of a serious felony in this state or of any offense~~  
21 ~~committed in another jurisdiction which includes all of the~~  
22 ~~elements of any serious felony, shall receive, in addition to the~~  
23 ~~sentence imposed by the court for the present offense, a five-year~~  
24 ~~enhancement for each such prior conviction on charges brought~~  
25 ~~and tried separately. The terms of the present offense and each~~  
26 ~~enhancement shall run consecutively.~~

27 ~~(2) This subdivision shall not be applied when the punishment~~  
28 ~~imposed under other provisions of law would result in a longer~~  
29 ~~term of imprisonment. There is no requirement of prior~~  
30 ~~incarceration or commitment for this subdivision to apply.~~

31 ~~(3) The Legislature may increase the length of the~~  
32 ~~enhancement of sentence provided in this subdivision by a statute~~  
33 ~~passed by majority vote of each house thereof.~~

34 ~~(4) As used in this subdivision, “serious felony” means a~~  
35 ~~serious felony listed in subdivision (c) of Section 1192.7.~~

36 ~~(b) It is the intent of the Legislature in enacting subdivisions (b)~~  
37 ~~to (i), inclusive, to ensure longer prison sentences and greater~~  
38 ~~punishment for those who commit a felony and have been~~  
39 ~~previously convicted of serious and/or violent felony offenses.~~

1 ~~(c) Notwithstanding any other law, if a defendant has been~~  
2 ~~convicted of a felony and it has been pled and proved that the~~  
3 ~~defendant has one or more prior felony convictions as defined in~~  
4 ~~subdivision (d), the court shall adhere to each of the following:~~

5 ~~(1) There shall not be an aggregate term limitation for purposes~~  
6 ~~of consecutive sentencing for any subsequent felony conviction.~~

7 ~~(2) Probation for the current offense shall not be granted, nor~~  
8 ~~shall execution or imposition of the sentence be suspended for any~~  
9 ~~prior offense.~~

10 ~~(3) The length of time between the prior felony conviction and~~  
11 ~~the current felony conviction shall not affect the imposition of~~  
12 ~~sentence.~~

13 ~~(4) There shall not be a commitment to any other facility other~~  
14 ~~than the state prison. Diversion shall not be granted nor shall the~~  
15 ~~defendant be eligible for commitment to the California~~  
16 ~~Rehabilitation Center as provided in Article 2 (commencing with~~  
17 ~~Section 3050) of Chapter 1 of Division 3 of the Welfare and~~  
18 ~~Institutions Code.~~

19 ~~(5) The total amount of credits awarded pursuant to Article 2.5~~  
20 ~~(commencing with Section 2930) of Chapter 7 of Title 1 of Part 3~~  
21 ~~shall not exceed one-fifth of the total term of imprisonment~~  
22 ~~imposed and shall not accrue until the defendant is physically~~  
23 ~~placed in the state prison.~~

24 ~~(6) If there is a current conviction for more than one felony~~  
25 ~~count not committed on the same occasion, and not arising from~~  
26 ~~the same set of operative facts, the court shall sentence the~~  
27 ~~defendant consecutively on each count pursuant to subdivision (c).~~

28 ~~(7) If there is a current conviction for more than one serious or~~  
29 ~~violent felony as described in paragraph (6), the court shall impose~~  
30 ~~the sentence for each conviction consecutive to the sentence for~~  
31 ~~any other conviction for which the defendant may be~~  
32 ~~consecutively sentenced in the manner prescribed by law.~~

33 ~~(8) Any sentence imposed pursuant to subdivision (c) will be~~  
34 ~~imposed consecutive to any other sentence which the defendant is~~  
35 ~~already serving, unless otherwise provided by law.~~

36 ~~(d) Notwithstanding any other law and for the purposes of~~  
37 ~~subdivisions (b) to (i), inclusive, a prior conviction of a felony~~  
38 ~~shall be defined as:~~

39 ~~(1) Any offense defined in subdivision (c) of Section 667.5 as~~  
40 ~~a violent felony or any offense defined in subdivision (c) of~~

~~Section 1192.7 as a serious felony in this state. The determination of whether a prior conviction is a prior felony conviction for purposes of subdivisions (b) to (i), inclusive, shall be made upon the date of that prior conviction and is not affected by the sentence imposed unless the sentence automatically, upon the initial sentencing, converts the felony to a misdemeanor. None of the following dispositions shall affect the determination that a prior conviction is a prior felony for purposes of subdivisions (b) to (i), inclusive:~~

~~(A) The suspension of imposition of judgment or sentence.~~

~~(B) The stay of execution of sentence.~~

~~(C) The commitment to the State Department of Health Services as a mentally disordered sex offender following a conviction of a felony.~~

~~(D) The commitment to the California Rehabilitation Center or any other facility whose function is rehabilitative diversion from the state prison.~~

~~(2) A conviction in another jurisdiction for an offense that, if committed in California, is punishable by imprisonment in the state prison. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense that includes all of the elements of the particular felony as defined in subdivision (e) of Section 667.5 or subdivision (e) of Section 1192.7.~~

~~(3) A prior juvenile adjudication shall constitute a prior felony conviction for purposes of sentence enhancement if:~~

~~(A) The juvenile was 16 years of age or older at the time he or she committed the prior offense.~~

~~(B) The prior offense is listed in subdivision (b) of Section 707 of the Welfare and Institutions Code or described in paragraph (1) or (2) as a felony.~~

~~(C) The juvenile was found to be a fit and proper subject to be dealt with under the juvenile court law.~~

~~(D) The juvenile was adjudged a ward of the juvenile court within the meaning of Section 602 of the Welfare and Institutions Code because the person committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code.~~

~~(e) For purposes of subdivisions (b) to (i), inclusive, and in addition to any other enhancement or punishment provisions~~

1 which may apply, the following shall apply where a defendant has  
2 a prior felony conviction:

3 (1) If a defendant has one prior felony conviction that has been  
4 pled and proved, the determinate term or minimum term for an  
5 indeterminate term shall be twice the term otherwise provided as  
6 punishment for the current felony conviction.

7 (2) (A) If a defendant has two or more prior felony convictions  
8 as defined in subdivision (d) that have been pled and proved, the  
9 term for the current felony conviction shall be an indeterminate  
10 term of life imprisonment with a minimum term of the  
11 indeterminate sentence calculated as the greater of:

12 (i) Three times the term otherwise provided as punishment for  
13 each current felony conviction subsequent to the two or more prior  
14 felony convictions.

15 (ii) Imprisonment in the state prison for 25 years.

16 (iii) The term determined by the court pursuant to Section 1170  
17 for the underlying conviction, including any enhancement  
18 applicable under Chapter 4.5 (commencing with Section 1170) of  
19 Title 7 of Part 2, or any period prescribed by Section 190 or 3046.

20 (B) The indeterminate term described in subparagraph (A)  
21 shall be served consecutive to any other term of imprisonment for  
22 which a consecutive term may be imposed by law. Any other term  
23 imposed subsequent to any indeterminate term described in  
24 subparagraph (A) shall not be merged therein but shall commence  
25 at the time the person would otherwise have been released from  
26 prison.

27 (f) (1) Notwithstanding any other law, subdivisions (b) to (i),  
28 inclusive, shall be applied in every case in which a defendant has  
29 a prior felony conviction as defined in subdivision (d). The  
30 prosecuting attorney shall plead and prove each prior felony  
31 conviction except as provided in paragraph (2).

32 (2) The prosecuting attorney may move to dismiss or strike a  
33 prior felony conviction allegation in the furtherance of justice  
34 pursuant to Section 1385, or if there is insufficient evidence to  
35 prove the prior conviction. If upon the satisfaction of the court that  
36 there is insufficient evidence to prove the prior felony conviction,  
37 the court may dismiss or strike the allegation.

38 (g) Prior felony convictions shall not be used in plea bargaining  
39 as defined in subdivision (b) of Section 1192.7. The prosecution  
40 shall plead and prove all known prior felony convictions and shall

1 ~~not enter into any agreement to strike or seek the dismissal of any~~  
2 ~~prior felony conviction allegation except as provided in paragraph~~  
3 ~~(2) of subdivision (f).~~

4 ~~(h) All references to existing statutes in subdivisions (c) to (g),~~  
5 ~~inclusive, are to statutes as they existed on June 30, 1993.~~

6 ~~(i) If any provision of subdivisions (b) to (h), inclusive, or the~~  
7 ~~application thereof to any person or circumstance is held invalid,~~  
8 ~~that invalidity shall not affect other provisions or applications of~~  
9 ~~those subdivisions which can be given effect without the invalid~~  
10 ~~provision or application, and to this end the provisions of those~~  
11 ~~subdivisions are severable.~~

12 ~~(j) The provisions of this section shall not be amended by the~~  
13 ~~Legislature except by statute passed in each house by rollcall vote~~  
14 ~~entered in the journal, two-thirds of the membership concurring,~~  
15 ~~or by a statute that becomes effective only when approved by the~~  
16 ~~electors.~~

17 ~~SEC. 6.~~

18 *SEC. 3. Section 11160 of the Penal Code is amended to read:*

19 11160. (a) Any health practitioner employed in a health  
20 facility, clinic, physician's office, local or state public health  
21 department, or a clinic or other type of facility operated by a local  
22 or state public health department who, in his or her professional  
23 capacity or within the scope of his or her employment, provides  
24 medical services for a physical condition to a patient whom he or  
25 she knows or reasonably suspects is a person described as follows,  
26 shall immediately make a report in accordance with subdivision  
27 (b):

28 (1) Any person suffering from any wound or other physical  
29 injury inflicted by his or her own act or inflicted by another where  
30 the injury is by means of a firearm.

31 (2) (A) Any person suffering from any wound or other  
32 physical injury inflicted upon the person where the injury is the  
33 result of assaultive or abusive conduct.

34 (B) *For the purposes of this paragraph, "physical injury"*  
35 *includes, but is not limited to, the detection of amphetamine,*  
36 *methamphetamine, lysergic acid diethylamide, phencyclidine, or*  
37 *any metabolite of these controlled substances, in the saliva, urine,*  
38 *or blood of any child under 12 years of age.*

39 (b) Any health practitioner employed in a health facility, clinic,  
40 physician's office, local or state public health department, or a

1 clinic or other type of facility operated by a local or state public  
2 health department shall make a report regarding persons described  
3 in subdivision (a) to a local law enforcement agency as follows:

4 (1) A report by telephone shall be made immediately or as soon  
5 as practically possible.

6 (2) A written report shall be prepared and sent to a local law  
7 enforcement agency within two working days of receiving the  
8 information regarding the person.

9 (3) A local law enforcement agency shall be notified and a  
10 written report shall be prepared and sent pursuant to paragraphs (1)  
11 and (2) even if the person who suffered the wound, other injury,  
12 or assaultive or abusive conduct has expired, regardless of whether  
13 or not the wound, other injury, or assaultive or abusive conduct  
14 was a factor contributing to the death, and even if the evidence of  
15 the conduct of the perpetrator of the wound, other injury, or  
16 assaultive or abusive conduct was discovered during an autopsy.

17 (4) The report shall include, but shall not be limited to, the  
18 following:

19 (A) The name of the injured person, if known.

20 (B) The injured person's whereabouts.

21 (C) The character and extent of the person's injuries.

22 (D) The identity of any person the injured person alleges  
23 inflicted the wound, other injury, or assaultive or abusive conduct  
24 upon the injured person.

25 (c) For the purposes of this section, "injury" shall not include  
26 any psychological or physical condition brought about solely  
27 through the voluntary administration of a narcotic or restricted  
28 dangerous drug.

29 (d) For the purposes of this section, "assaultive or abusive  
30 conduct" shall include any of the following offenses:

31 (1) Murder, in violation of Section 187.

32 (2) Manslaughter, in violation of Section 192 or 192.5.

33 (3) Mayhem, in violation of Section 203.

34 (4) Aggravated mayhem, in violation of Section 205.

35 (5) Torture, in violation of Section 206.

36 (6) Assault with intent to commit mayhem, rape, sodomy, or  
37 oral copulation, in violation of Section 220.

38 (7) Administering controlled substances or anesthetic to aid in  
39 commission of a felony, in violation of Section 222.

40 (8) Battery, in violation of Section 242.



- 1 (9) Sexual battery, in violation of Section 243.4.
- 2 (10) Incest, in violation of Section 285.
- 3 (11) Throwing any vitriol, corrosive acid, or caustic chemical
- 4 with intent to injure or disfigure, in violation of Section 244.
- 5 (12) Assault with a stun gun or taser, in violation of Section
- 6 244.5.
- 7 (13) Assault with a deadly weapon, firearm, assault weapon, or
- 8 machinegun, or by means likely to produce great bodily injury, in
- 9 violation of Section 245.
- 10 (14) Rape, in violation of Section 261.
- 11 (15) Spousal rape, in violation of Section 262.
- 12 (16) Procuring any female to have sex with another man, in
- 13 violation of Section 266, 266a, 266b, or 266c.
- 14 (17) Child abuse or endangerment, in violation of Section 273a
- 15 or 273d.
- 16 (18) Abuse of spouse or cohabitant, in violation of Section
- 17 273.5.
- 18 (19) Sodomy, in violation of Section 286.
- 19 (20) Lewd and lascivious acts with a child, in violation of
- 20 Section 288.
- 21 (21) Oral copulation, in violation of Section 288a.
- 22 (22) Sexual penetration, in violation of Section 289.
- 23 (23) Elder abuse, in violation of Section 368.
- 24 (24) An attempt to commit any crime specified in paragraphs
- 25 (1) to (23), inclusive.
- 26 (e) When two or more persons who are required to report are
- 27 present and jointly have knowledge of a known or suspected
- 28 instance of violence that is required to be reported pursuant to this
- 29 section, and when there is an agreement among these persons to
- 30 report as a team, the team may select by mutual agreement a
- 31 member of the team to make a report by telephone and a single
- 32 written report, as required by subdivision (b). The written report
- 33 shall be signed by the selected member of the reporting team. Any
- 34 member who has knowledge that the member designated to report
- 35 has failed to do so shall thereafter make the report.
- 36 (f) The reporting duties under this section are individual,
- 37 except as provided in subdivision (e).
- 38 (g) No supervisor or administrator shall impede or inhibit the
- 39 reporting duties required under this section and no person making
- 40 a report pursuant to this section shall be subject to any sanction for



making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, except that these procedures shall not be inconsistent with this article. The internal procedures shall not require any employee required to make a report under this article to disclose his or her identity to the employer.

(h) For the purposes of this section, it is the Legislature's intent to avoid duplication of information.

*SEC. 4.* Section 11165.2 of the Penal Code is amended to read:

11165.2. As used in this article, "neglect" means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

(a) "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed by Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care. "Severe neglect" also means the rearing of a child in a home where the illegal manufacturing or attempted manufacturing of controlled substances in violation of Section 11379.6, 11379.7, or 11383 of the Health and Safety Code is occurring.

(b) "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

For the purposes of this chapter, a child receiving treatment by spiritual means as provided in Section 16509.1 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by parent or guardian after consultation with a physician or physicians who have examined the minor does not constitute neglect.

1     ~~SEC. 7.~~

2     *SEC. 5.* No reimbursement is required by this act pursuant to  
3 Section 6 of Article XIII B of the California Constitution because  
4 the only costs that may be incurred by a local agency or school  
5 district will be incurred because this act creates a new crime or  
6 infraction, eliminates a crime or infraction, or changes the penalty  
7 for a crime or infraction, within the meaning of Section 17556 of  
8 the Government Code, or changes the definition of a crime within  
9 the meaning of Section 6 of Article XIII B of the California  
10 Constitution.

